

## **RESOLUTION NO. 2011-1**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE KINGS COUNTY WATER DISTRICT REVISING GROUNDWATER MANAGEMENT PLAN**

The Board of Directors of the Kings County Water District does hereby find:

WHEREAS, on January 7, 1993, the Board of Directors of the Kings County Water District (“District”) adopted Resolution No. 1993-1, entitled “Kings County Water District Board of Directors Resolution Adopting a Groundwater Management Program;” and

WHEREAS, the Groundwater Management Program (“Plan”) was adopted by Resolution No. 1993-1 under the provisions of AB 3030, codified at Water Code §§ 10750-10756; and

WHEREAS, on December 6, 2001, the Board adopted Resolution No. 2001-7, entitled “Resolution of the Board of Directors of the Kings County Water District Revising Groundwater Management Plan;” and

WHEREAS, Resolution No. 2001-7 revised the District’s Groundwater Management Plan; and

WHEREAS, in 2002 the Legislature passed, and the Governor signed, SB 1938, effective January 1, 2003, amending AB 3030 and providing, among other things, that public entities with groundwater management plans adopted per AB 3030 should be revised to address changes to AB 3030 reflected in SB 1938, as a condition of eligibility for funding from DWR; and

WHEREAS, in 2010, the District’s Board directed the District’s Consulting Engineer to revise the District’s Plan to be in accord with SB 1938; and

WHEREAS, the District’s Consulting Engineer thus revised the Plan and the Board approved release of a public review draft thereof at the Board’s Regular Meeting held on March 3, 2011; and

WHEREAS, on March 11, 2011, the District published a Notice of Availability of Draft Revised Ground Water Management Plan and 60 Day Comment Period to inform the public and all interested parties of the availability of the revised Plan and the opportunity to comment thereon and providing for a 60 [actually 63] day comment period from March 11, 2011, to May 13, 2011; and

WHEREAS, the revised plan was posted on the web site of the Kings River Conservation District for those preferring an electronic copy of the revised Plan, and hard copies were available at the District Office for review and/or purchase; and

WHEREAS, the District's Consulting Engineer, the District Manager and the District legal counsel reviewed comments received, and reviewed same with the Board, and reviewed changes made to the public review draft in response to such comments, at the Board's meeting held on the date hereof; and

WHEREAS, the purposes for which the District was formed were stated by the Supreme Court of the State of California, as follows:

The Kings County Water District was organized February 24, 1954, under the County Water District Law. It comprises approximately 150,000 acres. It was organized primarily to protect the underground water supplies of the area from excessive pumping and to guard against the transportation of the groundwater to areas outside the District. Its purposes and functioning generally have been in accordance with the aims and methods approved by law for such an organization. [ . . . ] ***The protection, conservation and replenishment of the underground water supplies is one of the main functions of the water district in question.*** Atchison, Topeka & Santa Fe Railway Co. v. Kings County Water District (1956) 47 Cal 2d 140, 143, 146 (emphasis added; citations omitted).

WHEREAS, the District has the power to and may do any act necessary to furnish sufficient water in the District for any present or future beneficial use; and

WHEREAS, the District may store water for the benefit of the District, conserve water for future use, and appropriate, acquire, and conserve water and water rights for any useful purpose, including groundwater banking of surface waters, the reclaiming of the return flow of imported waters and other waters which would not otherwise be present in the underground water bearing formations, and the management of such waters; and

WHEREAS, the District may control, distribute, store, spread, sink, treat, purify, recapture and salvage any water, including sewage and storm waters, for the beneficial use or uses of the district or its inhabitants or the owners of rights to waters therein; and

WHEREAS, the District may operate water rights, works, property, rights, and privileges useful or necessary to convey, supply, store, or make use of water for any purpose authorized by the County Water District Law; and

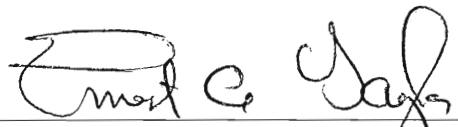
WHEREAS, the District may sell water or the use thereof for any useful purpose and whenever there is a surplus, may dispose of the surplus to municipalities, public agencies, or consumers, including farmers, located within or without the District; and

WHEREAS, upon review of the District's Plan and upon receipt of recommendations, ideas and suggestions from the District's Consulting Engineer, and responses to comments on the public review draft of the Plan, the Board of Directors finds that it is in the best interests of the District, and the present and future owners of land and users of water within the District, to revise the Plan.

NOW, THEREFORE, the Board of Directors of the Kings County Water District does hereby resolve and adopt the revised groundwater management plan prepared by the District's Consulting Engineer, entitled "Kings County Water District Groundwater Management Plan Adopted: January, 1993; Date of First Revision-December 2001; Date of Second Revision- June 2011."

WHEREFORE, the foregoing Resolution was passed and adopted at a regular meeting of the Board of Directors of the Kings County Water District held June 2, 2011, at Hanford, California, by the following vote:

AYES: Murray, Freitas, Taylor  
NOES: None  
ABSENT: Dias, McCutcheon  
ABSTAIN: None

By:   
BARRY McCUTCHEON, PRESIDENT  
Ernest A Taylor U. P.

ATTEST:

  
DON MILLS, SECRETARY

CERTIFICATE OF SECRETARY

I, Don Mills, the duly appointed Secretary of the Kings County Water District, declare that the foregoing Resolution was passed and adopted at a Regular Meeting of the Board of Directors of the Kings County Water District held on June 2, 2011.

DATED: June 2nd, 2011.

  
DON MILLS, SECRETARY

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